

AMENDED IN SENATE AUGUST 25, 2003

AMENDED IN SENATE JULY 21, 2003

AMENDED IN ASSEMBLY APRIL 9, 2003

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 1618

Introduced by Assembly Members Firebaugh and Calderon

February 21, 2003

An act to add Section 7661 to the Public Utilities Code, relating to railroad corporations, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1618, as amended, Firebaugh. Railroad corporations: ~~derailments~~ runaway trains.

~~Existing~~

(1) ~~Existing~~ law sets forth the powers and duties of railroad corporations. Existing law authorizes the Public Utilities Commission, after a hearing, to require every public utility to construct, maintain, and operate its line, plant, system, equipment, apparatus, tracks, and premises in a manner so as to promote and safeguard the health and safety of its employees, passengers, customers, and the public.

This bill would require ~~every railroad corporation operating in the state to develop a protocol for rapid communication with the Office of Emergency Services and any county sheriff's department in an endangered area, if there is a runaway train or derailment, or if a derailment appears to be imminent~~ the commission to require every railroad corporation operating in this state to develop, in consultation

with the Office of Emergency Services, a protocol for rapid communications with that office and designated local public safety agencies in an endangered area if there is a runaway train or any other uncontrolled train movement that threatens public health and safety. Because a violation of an order or decision of the commission is a crime, this bill would create a new crime, thereby imposing a state-mandated local program.

This

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

(3) This bill would declare that it is to take effect immediately as an urgency statute.

Vote: ²/₃. Appropriation: no. Fiscal committee: yes. State-mandated local program: ~~no~~ yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7661 is added to the Public Utilities
2 Code, to read:

3 ~~7661. Every railroad corporation operating in the state shall~~
4 ~~develop a protocol for rapid communication with the Office of~~
5 ~~Emergency Services and any county sheriff's department in an~~
6 ~~endangered area, if there is a runaway train or derailment, or if a~~
7 ~~derailment appears to be imminent.~~

8 7661. The commission shall require every railroad
9 corporation operating in this state to develop, in consultation with
10 the Office of Emergency Services, a protocol for rapid
11 communications with the Office of Emergency Services and
12 designated local public safety agencies in an endangered area if
13 there is a runaway train or any other uncontrolled train movement
14 that threatens public health and safety.

15 SEC. 2. No reimbursement is required by this act pursuant to
16 Section 6 of Article XIII B of the California Constitution because
17 the only costs that may be incurred by a local agency or school
18 district will be incurred because this act creates a new crime or
19 infraction, eliminates a crime or infraction, or changes the penalty

1 *for a crime or infraction, within the meaning of Section 17556 of*
2 *the Government Code, or changes the definition of a crime within*
3 *the meaning of Section 6 of Article XIII B of the California*
4 *Constitution.*

5 SEC. 3. This act is an urgency statute necessary for the
6 immediate preservation of the public peace, health, or safety
7 within the meaning of Article IV of the Constitution and shall go
8 into immediate effect. The facts constituting the necessity are:

9 Due to an existing gap in communications during emergency
10 situations where there is a runaway train ~~or derailment, or if a~~
11 ~~derailment appears to be imminent, threatening the public health,~~
12 ~~safety, and welfare or any other uncontrolled train movement that~~
13 ~~threatens public health and safety,~~ it is necessary that this act take
14 effect immediately.
15

